U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

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REPLY TO ATTN OF: AT-083

SEP 27 1988

CERTIFIED MAIL

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1988
OREGON ... OFFICE

Stanford J. Nudelman
S.J. Nudelman & Son, Inc.
2707 N.W. Nela Street
Portland, Oregon 97210

Dear Mr. Nudelman:

On August 4, 1988, an inspection of S.J. Nudelman & Son, Inc., located at 2707 N.W. Nela Street, Portland, Oregon, was performed by Ronald I. Culver of the United States Environmental Protection Agency (EPA) pursuant to Section 11 of the Toxic Substances Control Act (TSCA). This inspection was conducted to determine whether activities at the facility were in compliance with EPA regulations governing polychlorinated biphenyls (PCBs): 40 C.F.R. Part 761.

As part of the inspection, samples were obtained. These samples were analyzed for PCBs by the State of Oregon Department of Environmental Quality analytical lab. A copy of the analytical report is enclosed. We have annotated the report for your information.

The analysis involved testing of samples for seven characteristic and distinct mixtures of PCB. They are Aroclor 1221, 1232, 1242, 1248, 1254, 1260, and 1016. The results are as follows:

	SAMPLE NUMBER	AROCLOR DETECTED	LEVEL DETECTED
1.	S-1	PCB Group 4*	1.24 ppm**
		PCB Group 5*	0.59 ppm
2.	S-2	PCB Group 4*	14.3 ppm µg/samp 100 cm
3.	S-3	PCB Group 4*	8.85 ppm

*PCB Group 4 includes PCB 1254 and is calculated as 1254.
PCB Group 5 includes PCBs 1260 and 1262 and is calculated as 1260.
**parts per million (ppm)

A review of the report of that inspection has been completed. On the basis of this review, it appears that certain violations of EPA regulations occurred at the facility. They are as follows:

VIOLATION ONE

REGULATION - DISPOSAL - 40 C.F.R. § 761.60(d)(1) and (2) states that (1) spills and other uncontrolled discharges of PCBs at concentrations of 50 ppm

or greater constitute the disposal of PCBs; and (2) PCBs resulting from the cleanup and removal of spills, leaks, or other uncontrolled discharges must be stored and disposed of in accordance with 40 C.F.R. § 761.60. Disposal of PCBs in any other manner constitutes the improper disposal of PCBs.

REQUIREMENT: - If a transformer does not have a nameplate or if there is no information available to indicate the type of dielectric fluid in it, the transformer must be assumed to be a PCB Transformer unless it is tested and found to contain less than 500 ppm. Refer to 44 Federal Register, May 31, 1979, page 31517.

VIOLATION ONE: A transformer identified as General Electric, serial number 6408310, Typek, 50,000 v 115/230, was leaking at the time of the inspection. There was no indication what dielectric fluid the transformer contained and it is assumed to be a PCB Transformer.

VIOLATION TWO

REGULATION - DISPOSAL: - 40 C.F.R. § 761.60(a)(2) states that mineral oil dielectric fluid from PCB-Contaminated Electrical Equipment containing a PCB concentration of 50 ppm or greater, but less than 500 ppm, must be disposed of in one of the following:

(i) In an incinerator that complies with §761.70.
(ii) In a chemical waste landfill that complies with § 761.75 if information is provided to the owner of the chemical waste landfill that shows that the mineral oil dielectric fluid does not exceed 500 ppm PCB and is not ignitable waste as described in § 761.75(b)(8)(iii).
(iii) In a high efficiency boiler pursuant to §761.60(a)(1)(iii)(A).

REGULATION - 40 C.F.R. § 761.3 states that oil filled electrical equipment other than circuit breakers, reclosers, and cable whose PCB concentration is unknown must be assumed to be PCB-Contaminated Electrical Equipment.

VIOLATION TWO: Oil removed from the bushings on site was not disposed of pursuant to § 761.60(a).

VIOLATION THREE

REGULATION - STORAGE - 40 C.F.R. § 761.65(b) requires that any facility used for the storage of PCBs and PCB Items designated for disposal have:

1) adequate walls and roof to prevent rainwater from reaching the stored PCBs and PCB Items;
2) adequate floor constructed of continuous smooth and impervious materials with a continuous curbing a minimum six inches high; and

3) no drain valves, floor drains and other openings that would permit liquids to flow from curbed area.

VIOLATION THREE: The area where the imputed PCB transformer that is the subject of Violation One was stored did not meet the requirements for PCB storage for disposal areas in that there were no walls and roof to prevent rainwater from from reaching the transformer, the floor was not constructed of materials impervious to PCBs and, there was no continuous curbing providing secondary containment.

VIOLATIONS FOUR AND FIVE

REGULATION - MARKING - 40 C.F.R. § 761.40 requires that all PCB Containers, PCB Transformers, Large PCB Capacitors, and PCB storage for disposal areas be marked in accordance with 40 C.F.R. 761.45. In general, a 6 inch by 6 inch PCB label is required, although the label may be reduced in size proportionately to a minimum of 2 inches by 2 inches for equipment too small to accommodate the standard 6 inch by 6 inch label.

VIOLATION FOUR: The imputed PCB transformer that is the subject of Violation One was not marked with the required PCB label at the time of the inspection.

VIOLATION FIVE: The area where the imputed PCB Transformer was stored was not marked with the required PCB label at the time of the inspection.

VIOLATION SIX

REGULATION - RECORDS & MONITORING: 40 C.F.R. § 761.180(a) requires that, beginning July 2, 1978, facilities using or storing at one time at least 45 kilograms (99.4 pounds) of PCBs contained in PCB Container(s), or one or more PCB Transformers, or 50 or more PCB Large High or Low Voltage Capacitors, develop and maintain records on the disposition of the PCBs and PCB Items. The records shall form the basis of an annual document prepared by July 1, covering the previous calendar year.

VIOLATION SIX: The facility failed to prepare and maintain annual reports on the disposition of PCBs and PCB Items.

The Agency believes that these conditions constitute a potential threat to human health and the environment. For this reason, you should immediately take the following steps, if you have not already done so:

1. Initiate cleanup of leaks from the untested liquid-filled transformer within 48 hours of discovery of the leak. All PCBs and resultant cleanup materials must be disposed of pursuant to 40 C.F.R. § 761.60.

2. Dispose of mineral oil dielectric fluid in accordance with 40 C.F.R. § 761.60(a)(2).

3. Insure that all known or imputed PCB Transformers that are stored for disposal are stored in a storage for disposal area that meets the requirements of 40 C.F.R. § 761.65(b).

4. Insure that all known or imputed PCB Transformers are marked with the required PCB label.

5. Insure that all storage for disposal areas are marked with the required PCB labels.

6. Prepare annual reports and maintain these records in your files for a period of five years after the facility ceases using or storing PCBs and PCB Items in the amount prescribed in 40 C.F.R. § 761.180(a).

You should be advised that TSCA authorizes penalties of up to $25,000 per day for each violation. Criminal penalties are authorized for knowing and wilful violations of the law. Correcting the conditions noted in this letter may protect you from liability for future violations. However, it will not protect you from Agency enforcement action for those violations that have already occurred. Nothing in this letter should be construed to waive or limit any remedy available to EPA by virtue of conditions at your facility or the acts or omissions of your company. We are referring this case to EPA's Region 10 Office of Regional Counsel for possible enforcement action. In this regard, you will be receiving further correspondence from EPA.

Please understand that the aforementioned steps are being recommended to avoid risk to health and the environment. Your company bears the ultimate responsibility for taking all steps necessary to comply with the law. If you have any questions regarding this letter, please contact Eileen Hayes of my staff. She can be reached at EPA Region 10, 1200 Sixth Avenue, AT-083, Seattle, Washington 98101, telephone (206) 442-2584.

Sincerely,

William M. Hedgebet

for Gil Haselberger, Chief
Toxic Substances Section

cc: John Foley, HQ